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December 5, 2002

BY ELECTRONIC FILING

Ms. Marlene Dortch
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Oral Ex Parte Presentation
ET Docket No. 98-153**

Dear Ms. Dortch:

This is to report that on December 4, 2002, representatives of QUALCOMM, Cingular Wireless, Sprint PCS, and T-Mobile USA met with Bryan Tramont, Senior Legal Advisor to Chairman Powell, to discuss the above-referenced proceeding, and specifically the Comments filed on November 22, 2002 by QUALCOMM on the ambient study released by the staff of the Office of Engineering and Technology. Attending the meeting were Jonas Neihardt, Dr. Samir Soliman, and myself on behalf of QUALCOMM; Jim Bugel on behalf of Cingular Wireless; Roger Sherman on behalf of Sprint PCS; and Bob Calaff on behalf of T-Mobile USA.

A summary of the points discussed at the meeting is attached hereto. Moreover, we reiterated our offer to assist the Commission in testing harmful interference from UWB devices. A copy of the attached summary was given to Mr. Tramont.

Sincerely yours,

/s/ Dean R. Brenner

Dean R. Brenner
Attorney for QUALCOMM Incorporated

Cc: Bryan Tramont

Testing of Ultra-Wideband Interference with GPS and PCS Devices

QUALCOMM Response to the October 22, 2002 report issued by the Staff of the FCC's OET

Recent OET Indoor Ambient Noise Testing

Recently, the FCC's OET conducted a series of tests of ambient noise in the GPS band. According to OET, the ambient noise in many environments is greater than the noise UWB devices are allowed to emit. We are concerned that since the documentation released with the tested data describes the UWB emission limits as "extremely conservative," that the FCC might consider increasing those limits based on this test data.

QUALCOMM Concerns with OET Testing

QUALCOMM would like to express concerns regarding the manner in which the OET emission measurements were conducted. Specifically:

- The OET tests results show numerous unexplained error messages.
- QUALCOMM was not able to validate the test results obtained by the OET.
- QUALCOMM has conducted its own testing and the data shows, contrary to the FCC OET Staff Report, that the existing levels of ambient noise in indoor environments are not well above the UWB emission limits.

The FCC Should Not Use the OET Data for Fact-based Rulemaking

QUALCOMM has identified a number of significant discrepancies in the FCC OET Staff Report. Consequently, this report does not represent the rigorous testing required for fact-based rulemaking. QUALCOMM believes that these test measurements are inconclusive and recommends that no changes in the FCC's rules should be adopted based on the data in the OET Staff Report.

Safety Testing With Real UWB Devices Is Needed Before the FCC Acts Again

In response to the FCC's E-911 mandate, QUALCOMM invested over \$1 billion in the development of a highly accurate GPS measurement capability for wireless cellphones. More than 5 million of these phones are in the hands of customers right now. To ensure that these customers can count on accurate GPS positioning during an emergency, the FCC should not ease the UWB power limits in the GPS band until it tests real UWB devices operating in proximity to GPS enabled cellphones. Further, the FCC should consider tightening the UWB power limits in the PCS band, as every wireless 911 call also depends on a reliable connection in that band. QUALCOMM's test data verifies that tighter limits in the PCS band are needed.